

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

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DAVID RIBEIRO,
Plaintiff

v.

DAVID S. USHER, MARTIN W. NAREY,
PAUL M. KELLY, JAMES D. BRIANT, MICHAEL
HIGGINS, HOLYOKE POLICE DEPARTMENT,
EMIL MORALES, OFFICER DONZE, DISTRICT
ATTORNEY WILLIAM BENNETT, HOLYOKE
POLICE DEPARTMENT, COMMONWEALTH OF
MASSACHUSETTS and CITY OF HOLYOKE,
Defendants

U.S. DISTRICT COURT
DISTRICT OF MASSACHUSETTS

CIVIL ACTION
NO. 04-30201 MAP

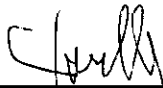
MOTION OF DEFENDANTS DAVID S. USHER, MARTIN W. NAREY, JAMES
D. BRIANT, OFFICER DONZE, EMIL MORALES, HOLYOKE POLICE
DEPARTMENT AND CITY OF HOLYOKE FOR SUMMARY JUDGMENT

The above named Defendants by their counsel, pursuant to Rule 56 of the Federal Rules of Civil procedure, move this Honorable Court to enter summary judgment in their favor. As grounds therefore, the above Defendants refer the Court to the attached Memorandum of Law in Support of Motion for Summary Judgment and the following Exhibits:

- Exhibit A: Portions of the deposition of David Ribeiro (Pages 141; 155-57);
- Exhibit B: Certified copy of Hampden Superior Court Criminal Docket No. HDCR2004-00913;
- Exhibit C: Certified copy of David Ribeiro's motion to suppress unlawfully obtained confession; and
- Exhibit D: Statement of Undisputed Material Facts in Compliance with Local Rule 56.1 by Defendants Michael Higgins and Paul Kelly.

DATE: November 17, 2006

THE ABOVE NAMED DEFENDANTS

By 

Charles P. Lavelle
BBO No. 288420
Staff Attorney
City of Holyoke Law Department
20 Korean Veterans Plaza
Holyoke, MA 01040
(413) 322-5580

CERTIFICATE OF SERVICE

I, Charles P. Lavelle, hereby certify that a true and correct copy of the Motion of the Defendants David S. Usher, Martin W. Nary, James Briant, Emil Morales, Officer Donze and the City of Holyoke, Memorandum of Law in Support of the Motion for Summary Judgment, and Statement of Undisputed Material Facts in Compliance with Local Rule 56.1 by Defendants Michael Higgins and Paul Kelly was served via U.S. Mail, first class postage prepaid, on the 17th day of November, 2006 to the following:

David Riberio, pro se
W85454
P.O. Box 43
Norfolk, Ma 02056



Charles P. Lavelle